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****DRAFT****
MINUTES OF THE
SAUSALITO CITY COUNCIL
REGULAR MEETING

TUESDAY, July 1, 2008

CALL TO ORDER

The meeting was called to order at 5:30 p.m.

ROLL CALL

PRESENT: Councilmember Weiner, Councilmember Kelly, Mayor Belser, Vice Mayor Albritton, Councilmember Leone

ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Belser announced that items D1 through D7 would be discussed in Closed Session.

Public Comment: There was no public comment on these items.

Council then adjourned to the Conference Room for their Closed Session at 5:32 p.m.

The regular meeting reconvened at 7:10 p.m.

PLEDGE OF ALLEGIANCE

REPORT ON RESULTS OF CLOSED SESSION ITEMS

1. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC § 54956.9
Northern California River Watch v. City of Sausalito
Provided guidance to the City Attorney
2. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC § 54956.9
US EPA Findings of Violation and Order for Compliance, dated April 10, 2008
Provided guidance to the City Attorney
3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8
Property: Sausalito Marine Properties; Foot of Locust Street
Negotiating Parties: Zacks Inc. dba Sausalito Marine
City Negotiator: City Manager and City Attorney
Under Negotiation: Price and Terms
No action taken

3B
9-2-08
1

- 1 4. **CONFERENCE WITH LEGAL COUNSEL** – Anticipated litigation/initiation of litigation
2 pursuant to subdivision (c) of CGC § 54956.9 (two potential cases)
3 *Heard report*
4
5 5. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision
6 (b) of CGC § 54956.9
7 Sausalito v. Alta Mira Treatment Program
8 *No action taken*
9
10 6. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8
11 Property: MLK Properties, 100 Ebbtide Avenue
12 Negotiating Parties: Marin School, John Donovan, Jean Scholz, John Lund
13 City Negotiator: City Manager and City Attorney
14 Under Negotiation: Price and Terms
15 *Received report from the Negotiating Team*
16
17 7. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to CGC § 54957.6
18 Agency Negotiator: City Manager
19 Employee Organization: Management Group and Unrepresented
20 *Provided guidance to the City Manager*
21

22 APPROVAL OF THE AGENDA

23
24 Mayor Belser announced that an urgency item had come up since the posting of the agenda.
25 City Attorney Mary Wagner provided the public with the title of the urgency item: Consideration
26 and approval for additional funding request under the retaining wall reimbursement and
27 maintenance agreement, 257 San Carlos Avenue. The City Attorney further explained that this
28 item required action to keep the project moving forward and so that the wall could be completed
29 on time in order to keep to the scheduled destruction of the old Police facilities.
30

31 **Vice Mayor Albritton moved, seconded by Councilmember Weiner, to approve adding the**
32 **retaining wall agreement to the agenda as item 6A. The motion was unanimously**
33 **approved by a voice vote.**
34

35 Mayor Belser then announced that Council and Staff had, earlier in the day, attended the funeral
36 of Deputy Chief Jeff Powers. She described how incredibly moving the services had been. She
37 then announced that the City Council meeting would be adjourned in his memory and requested
38 a moment of silence.
39

40 **Vice Mayor Albritton moved, seconded by Councilmember Kelly, to approve the agenda**
41 **with the addition of item 6A and to adjourn in memory of Deputy Chief Jeff Powers. The**
42 **motion was unanimously approved by a voice vote.**
43

44 SPECIAL PRESENTATIONS

45
46 There were no special presentations.
47
48
49

1 **COMMUNICATIONS**

2
3 **Jonathan Frieman** spoke about the dwindling energy supply. He noted that he is working with
4 a group in Marin, Post Carbon Marin, and that they would be willing to come and give a
5 presentation at a Council meeting. He noted that their group is providing these presentations in
6 order to help educate communities and provide suggestions on mitigation efforts for
7 conservation.

8
9 **MINUTES OF THE PREVIOUS MEETINGS**

10
11 There were no minutes provided.

12
13 **CONSENT CALENDAR**

14
15 **Public Comment:** There was no public comment on these items.

16
17 **Vice Mayor Albritton moved, seconded by Councilmember Kelly, to approve the Consent**
18 **Calendar as submitted. The motion was unanimously approved by a voice vote.**

19
20 Consent Calendar items approved were as follows:

- 21 1) Adopted Resolution No.4961 approving Encroachment Agreement for a driveway,
22 stairs and landscaping at 919, 921 and 923 Bridgeway (VAR/DR.TM/TP/EP 06-069)
23 2) Received and filed recommendations made during the Sausalito OMIT Committee
24 meeting of June 16, 2008
25 3) Accepted resignation of Robert Woodrum from the Sausalito Arts Commission.
26 4) Adopted Resolution No. 4962 approving the Second Amendment to the Amended and
27 Restated Lease Agreement by and between the City of Sausalito and John Donovan
28 for Suite 740, Building 7 at MLK.
29 5) Adopted Resolution No. 4963 approving the Second Amendment to the Lease
30 Agreement by and between the City of Sausalito and Jean Scholz for Suite 729,
31 Building 7 at MLK.
32 6) Adopted Resolution No. 4964 approving the Second Amendment to the Lease
33 Agreement by and between the City of Sausalito and John Lund for Suite 100-S,
34 Building 1 at MLK.

35
36 **PUBLIC HEARINGS**

37
38 There were no Public Hearings.

39
40 **BUSINESS ITEMS**

41
42 **6A. Consideration and approval for additional funding request under the retaining wall**
43 **reimbursement and maintenance agreement, 257 San Carlos Avenue (urgency item**
44 **added)**

45
46 City Attorney Mary Wagner introduced the item and explained that the cost to the City would be
47 an additional \$12,000. Councilmember Kelly further explained the issue with the retaining wall
48 and how the wall construction would be completed in the area being described. He
49 recommended approval of this item in order to keep the project moving forward and on time.

30
3

1
2 Council discussion followed.

3
4 **Public Comment:** There was no public comment on this item.

5
6 **Vice Mayor Albritton moved, seconded by Councilmember Weiner, to pay the additional**
7 **costs for the change order and that the new plans must be approved by the City Engineer**
8 **or a qualified plan checker. The motion was unanimously approved by a voice vote.**
9

10 **6B. Status report from PG&E on what steps are being taken to avoid future equipment**
11 **failures – Joshua Townsend, Government Relations Representative (formerly item**
12 **6A on the posted agenda)**
13

14 Joshua Townsend of PG&E presented an update on the April 19, 2008 power outage. He noted
15 that as the new Government Relations Representative, he plans on being more accessible than
16 has been the situation in the past for PG&E.

17
18 Going forward, Mr. Townsend noted that a new transition line will be installed along Bridgeway.
19 And that they are currently working on the undergrounding portion of this project with the City.
20 Additionally, he noted that PG&E is currently patrolling their lines along Bridgeway and eventually
21 moving into the hills on a more routine basis; thus being more proactive to determine problem
22 areas before catastrophes hit.

23
24 Council discussion followed.

25
26 **Public Comment:** There was no public comment on this item.

27
28 **6C. Review draft Power Purchase Agreement with SolarCity for the installation and**
29 **maintenance of solar energy facilities on City Hall (Associate Planner Sierra Russell)**
30 **(formerly item 6B on the posted agenda)**
31

32 Associate Planner Sierra Russell presented the staff report on this item. She noted that the
33 Solar Committee was recommending approval of the agreement and selection of Option Rate A.

34
35 **Rich Fortmann** of the Solar Committee further explained the "REC's" and how they are used.
36 He noted that with that in mind, the Committee was still recommending Rate Option A to retain a
37 revenue neutral project. Mr. Fortmann thanked everyone that had helped on the project.

38
39 **Jennifer Jacob** of SolarCity also explained the Community Solar Purchase Program. She
40 noted that their company will provide the marketing and education on this project.

41
42 **Janelle Kellman**, also of the Solar Committee, thanked the staff for the work they had done on
43 this project.

44
45 **Public Comment:** There was no public comment on this item.

46
47 **Vice Mayor Albritton moved, seconded by Mayor Belser, to select the non-"REC"**
48 **financing and authorize the execution of the Power Purchase Agreement with SolarCity**

1 for the sale and purchase of electric energy from the installation of a Photovoltaic system
2 on City Hall. The motion was unanimously approved by a voice vote.

3
4 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL DISCUSSIONS**
5 **AND COUNCILMEMBER REPORTS**

6
7 **7A. City Council Appointments**

8 **7A1. Appointments to the Planning Commission**

- 9 a. **Appoint three (3) positions for regular terms to extend through May 2011**
10 b. **Defer to July 15, appointment of one (1) position for an unexpired term to**
11 **extend through May 2010**

12
13 Mayor Belser announced that she would only be recommending the appointment of two
14 Planning Commissioners with terms to expire in May, 2011. It was her intent to continue the
15 appointment of the one unexpired term to July 15, 2008.

16
17 **Nominations:**

18 Mayor Belser nominated Stan Bair and Eric Stout.
19 Councilmember Leone nominated Linda Pfeifer.
20 Vice Mayor Albritton nominated Dierdre Cox.

21
22 **Public Comment:**

23
24 **Janelle Kellman** spoke about the dynamics of the Commission and recommended that Council
25 consider the different types of professions of the applicants when they make their decisions.

26
27 Mayor Belser called for a vote:

28
29 Councilmember Weiner: Stan Bair and Eric Stout
30 Councilmember Kelly: Stan Bair and Eric Stout
31 Vice Mayor Albritton: Stan Bair and Eric Stout
32 Councilmember Leone: Stan Bair and Linda Pfeifer
33 Mayor Belser: Stan Bair and Eric Stout

34
35 **Having received the most votes, Stan Bair and Eric Stout were appointed to the Planning**
36 **Commission with terms that will expire in May, 2011.**

37
38 **7A2. Appointments to the Historic Landmarks Board**

- 39 a. **Appoint two (2) positions for unexpired terms to extend through July 2009**
40 b. **Defer to July 15, appointment of three (3) positions for regular terms to extend**
41 **through July 2010**

42
43 Mayor Belser announced that she would only be recommending the appointment of three
44 Historic Landmarks Board members with terms to expire in July, 2010. It was her intent to
45 continue the appointment of the two unexpired terms to July 15, 2008.

46
47 **Nominations:**

48 Mayor Belser then nominated Vicki Nichols, Keith Snyder and Thomas Theodores.
49 Vice Mayor Albritton nominated Steve Willis.

38
51

1 Councilmember Weiner nominated Bradford Paul.
2
3 Mayor Belser called for a vote:
4
5 Councilmember Leone: Vicki Nichols, Keith Snyder and Thomas Theodores
6 Councilmember Kelly: Vicki Nichols, Keith Snyder and Thomas Theodores
7 Councilmember Weiner: Vicki Nichols, Keith Snyder and Thomas Theodores
8 Vice Mayor Albritton: Thomas Theodores, Vicki Nichols and Bradford Paul
9 Mayor Belser: Vicki Nichols, Keith Snyder and Thomas Theodores

10
11 **Having received the most votes, Vicki Nichols, Keith Snyder and Thomas Theodores**
12 **were appointed to the Historic Landmarks Board with terms that will expire in July, 2010.**
13

14 **7B. City Manager Reports**

15 **7B1. City Manager Information for Council**

16
17 City Manager Adam Politzer reported on the following: the funeral services for Deputy Chief
18 Powers; and changes with the new fiscal year, especially that which were taking place in
19 Administration.
20

21 **7B2. Future Agenda Items**

22
23 Councilmember Leone suggested discussing a website policy regarding Boards and links on a
24 future agenda. It was also noted that SMART is willing to make a presentation to the City
25 Council.
26

27 **7C. City Council Reports**

28 **7C1. Other reports of significance**

29
30 Vice Mayor Albritton reported on: TAM meeting; the party hosted by the Politzer's; Transit
31 District; Golden Gate Transit drive test; and the Way to Go Kick-off.
32

33 Councilmember Leone reported on: MTA wanting office space at TAM; Housing Element; and
34 HLB study session on the "Purity" Building being converted to an 8-unit hotel.
35

36 Councilmember Kelly reported on: the PSF pre-qualifications – noting that four companies were
37 eliminated and that nine were still being reviewed.
38

39 Councilmember Weiner reported on: arrival of Sister City student exchange group; school still
40 interested in CNG station; participating in experimental control of busses on Humboldt.
41

42 Mayor Belser reported on: Rotary installation and Herb Weiner was recognized at the Rotarian
43 of the Year; WAM meeting; meeting with Steve Kasierski re: shuttles; and the Sanitary District
44 meeting.
45

46 **7C2. Other Reports**

47
48 There were no other reports.
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ADJOURNMENT

The meeting adjourned at 9:15 pm, with Council returning to closed session. The next regularly scheduled City Council meeting is set for July 15, 2008, with the open session due to commence at approximately 7:00 pm.

Respectfully submitted,

Debbie Pagliaro
Deputy City Clerk

Approved on:

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